

### REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

Claims 1-67 are pending in this application. In the Office Action mailed July 16, 2003, claims 1- 67 were rejected. Claims 1, 5-6, 17, 20-21, 23, 25-26, 43, 45-47, 51-54, 56-57, 60-65 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,247,571 to Kay et. al. ("Kay"). Claims 2-3, 7-8, 22, 24 27-32, 36, 44, 48-49, 55, and 58-59 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kay in view of U.S. Patent No. 5,974,133 to Fleischer, III et. al. ("Flesicher"). Claims 4, 15-16, 18-19, 50, and 66-67 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kay in view of U.S. Patent No. 4,769, 837 to McCormick et. al. ("McCormick"). Finally, claims 33-35 and 37-42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kay in view of Fleischer, further in view of McCormick.

Independent Claims 1, 17, 30, 36, 43, 47, and 54 of the present invention are directed to methods, systems, and media, for providing an intercom service to a location from which a request for intercom service is received. The Office Action cites Kay, which discloses a private network designed to provide enhanced communication services between geographically dispersed locations. The Office Action further cites the communication services to include "receiving an intercom service request, the intercom service request including a calling number associated with the location; determining that the calling number corresponds to a subscriber to the intercom service; and directing initiation of an intercom call". However, the "intercom" call

in Kay is fundamentally distinct from that claimed in the present invention. As an example, Kay describes a "portable intercom" service in which a caller within a private network direct dials to a second individual at any other location within the network using a specified number associated with the second individual. The "intercom" service in Kay thus comprises a method to connect by direct dial individuals residing at separate locations.

In contrast, the intercom service disclosed in the present invention is directed toward a method to communicate with a second individual present at the same location as the caller, using a dial-in and call-back process, the latter performed after an on-hook status is determined. (Figure 2, steps 240 and 250; and Figure 5, steps 560 and 570). Thus, Kay does not teach or suggest dial-in and call back or same location features of the present invention. To further distinguish the present invention from Kay, independent claims 1, 17, 30, 36, 43, 47, and 54 have been modified in the present amendment to recite in more detail the same location and call-back (on-hook) features. Applicants therefore respectfully submit that independent claims 1, 17, 43, 47, and 54 are in condition for allowance. As noted above, independent claims 30 and 36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kay in view of Fleischer. However, since taken singly or in combination, neither Fleischer nor Kay teach or suggest the dial-in and call back or same location features claimed, applicants further submit that claims 30 and 36 are allowable. Applicants still further submit that dependent claims 2-16, 18-29, 31-35, 37-42, 44-46, 48-53, and 55-67 are therefore patentable, at least based upon their dependency from allowable claims.

Serial No.: 09/964,384  
Art Unit: 2643

Attorney's Docket No.: BS01-229  
Page 15


In view of the foregoing, upon entry of the current amendment, all of the claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone applicants' undersigned representative at the number listed below.

SHAW PITTMAN LLP  
1650 Tysons Boulevard  
McLean, VA 22102  
Tel: 703/770-7900

Date: October 14, 2003

Respectfully submitted,

LEVINE ET AL

By:   
Brett C. Martin, Patent Agent  
Reg. No. 52,000

BCM/RAR

Customer No. 28970